

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AIAI QI,

Plaintiff,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

Case No. 2:23-cv-00377-DAD-JDP (PS)

ORDER TO SHOW CAUSE

On April 5, 2023, defendants filed a motion to dismiss plaintiff's complaint. ECF No. 5. To date, plaintiff has not filed a response.

Under the court's local rules, a responding party is required to file an opposition or statement of non-opposition to a motion no later than fourteen days after the date it was filed. E.D. Cal. L.R. 230(c). To manage its docket effectively, the court requires litigants to meet certain deadlines. The court may impose sanctions, including dismissing a case, for failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See* *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

1 The court will give plaintiff the opportunity to explain why sanctions should not be
2 imposed for failure to file an opposition or statement of non-opposition to defendants' motion.
3 Plaintiff's failure to respond to this order will constitute a failure to comply with a court order and
4 will result in a recommendation that this action be dismissed.

5 Accordingly, it is hereby ORDERED that:

6 1. By no later than May 11, 2023, plaintiff shall file an opposition or statement of non-
7 opposition to defendants' motion to dismiss. *See* ECF No. 5.

8 2. Plaintiff shall show cause, by no later than May 11, 2023, why sanctions should not be
9 imposed for failure to timely file an opposition or statement of non-opposition to defendants'
10 motion.

11 3. Defendants may file a reply to plaintiff's opposition, if any, no later than May 25,
12 2023.

13 4. Failure to comply with this order may result in a recommendation that this action be
14 dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with
15 local rules.

16 IT IS SO ORDERED.

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18 Dated: April 25, 2023


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20 JEREMY D. PETERSON
21 UNITED STATES MAGISTRATE JUDGE

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